



ATTORNEYS AT LAW



Robert Greene Sterne  
Edward J. Kessler  
Jorge A. Goldstein  
David K.S. Cornwell  
Robert W. Esmond  
Tracy-Gene G. Durkin  
Michele A. Cimbala  
Michael B. Ray  
Robert E. Sokohl  
Eric K. Steffe  
Michael Q. Lee  
Steven R. Ludwig  
John M. Covert  
Linda E. Alcom  
Robert C. Millionig  
Donald J. Featherstone  
Timothy J. Shea, Jr.  
Lawrence B. Bugaisky  
Michael V. Messinger  
Judith U. Kim

Patrick E. Garrett  
Jeffrey T. Helvey  
Heidi L. Kraus  
Eldora L. Ellison  
Thomas C. Fiala  
Albert L. Ferro  
Donald R. Banowitz  
Peter A. Jackman  
Teresa U. Medler  
Jeffrey S. Weaver  
Kendrick P. Patterson  
Vincent L. Capuano  
Brian J. Del Buono  
Virgil Lee Beaton  
Theodore A. Wood  
Elizabeth J. Haanes  
Joseph S. Ostroff  
Frank R. Cottingham  
Christine M. Lhullier  
Rae Lynn P. Guest

George S. Bardmesser  
Daniel A. Klein  
Jason D. Eisenberg  
Michael D. Specht  
Andrea J. Kamage  
Tracy L. Muller  
Jon E. Wright  
LuAnne M. DeSantis  
Ann E. Summerfield  
Aric W. Ledford  
Helene C. Carlson  
Cynthia M. Bouchez  
Timothy A. Doyle  
Gaby L. Longworth  
Lori A. Gordon  
Nicole D. Dretar  
Ted J. Ebersole  
Jyoti C. Iyer  
Laura A. Vogel

Michael J. Mancuso  
Bryan S. Wade  
Aaron L. Schwartz  
Michael G. Penn  
Shannon A. Carroll  
Wesley W. Jones  
Matthew E. Kelley  
Nicole R. Kramer

**Registered Patent Agents\***  
Karen R. Markowitz  
Nancy J. Leith  
Matthew J. Dowd  
Katrina Yujian Pei Quach  
Bryan L. Skelton  
Robert A. Schwartzman  
Teresa A. Colella  
Jeffrey S. Lundgren  
Victoria S. Rutherford

Michelle K. Holoubek  
Simon J. Elliott  
Julie A. Heider  
Mita Mukherjee  
Scott M. Woodhouse  
Christopher J. Walsh  
Liliana Di Nola-Baron  
Peter A. Socarras  
Jeffrey Mills

**Of Counsel**  
Kenneth C. Bass III  
Evan R. Smith  
Marvin C. Guthrie

\*Admitted only in Maryland  
\*Admitted only in Virginia  
•Practice Limited to  
Federal Agencies

April 22, 2005

**WRITER'S DIRECT NUMBER:**

(202) 772-8697

**INTERNET ADDRESS:**

TMULLER@SKGF.COM

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Art Unit 1642**

Re: U.S. Utility Patent Application  
Application No. 09/824,787; Filed: April 4, 2001  
For: **Gene Differentially Expressed in Breast and Bladder Cancer, and  
Encoded Polypeptides**  
Inventors: ZAUDERER *et al.*  
Our Ref: 1821.0040001/EKS/HCC/T-M

Sir:

Transmitted herewith for appropriate action are the following documents:

1. First Supplemental Information Disclosure Statement Filing Under 37 C.F.R. § 1.97(c);
2. Form PTO 1449 (1 page) listing one (1) cited document;
3. Copy of document AR29; and
4. One (1) return Postcard.

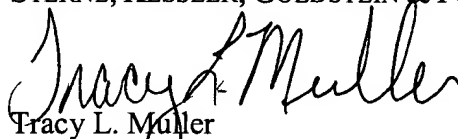
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
April 22, 2005  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

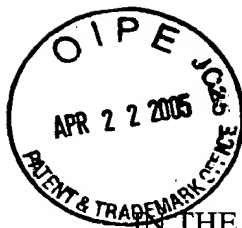
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Tracy L. Muller". The signature is fluid and cursive, with the first name "Tracy" and last name "Muller" clearly distinguishable.

Tracy L. Muller  
Attorney for Applicants  
Registration No. 55,472

T-M/bls  
Enclosures

390420\_1.DOC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ZAUDERER *et al.*

Appl. No.: 09/824,787

Filed: April 4, 2001

For: **Gene Differentially Expressed in  
Breast and Bladder Cancer, and  
Encoded Polypeptides**

Confirmation No.: 2970

Art Unit: 1642

Examiner: Harris, Alana M.

Atty. Docket: 1821.0040001/EKS/HCC/T-M

**First Supplemental Information Disclosure Statement  
Filing Under 37 C.F.R. § 1.97(c)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on October 16, 2002, in connection with the above-captioned application. A copy of document **AR29** is submitted herewith.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

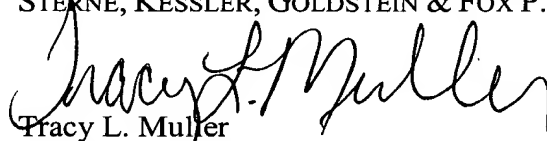
Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). No fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

  
Tracy L. Muller  
Attorney for Applicants  
Registration No. 55,472

Date: April 22, 2005

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

FORM PTO-1449

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APR 22 2005

ATTY. DOCKET NO.  
1821.0040001/EKS/HCC/T-MAPPLICATION NO.  
09/824,787FIRST SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENTFIRST NAMED INVENTOR  
ZAUDERER, MauriceFILING DATE  
April 4, 2001ART UNIT  
1642

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>29</u>	EMBL-EBI database, Accession No. AAG03153, Dumas Milne Edwards, J., <i>et al.</i> , Entry date October 6, 2000
	AS		
	AT		

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.